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ABSTRACT

In summer 1984, a study was conducted to assess the current status of tenure in public two-year colleges. Surveys were mailed to state administrators of two-year college education, requesting information on the provision of statutory or customary tenure; the number of years of consecutive employment needed for becoming eligible for tenure; reasons for the dismissal of tenured faculty; the power of local boards to establish tenure policy; and collective bargaining. Study findings, based on responses from 43 states, included the following: (1) seven states provided statutory tenure and another four states reported that state governing boards made provision for statewide tenure policies; (2) among the 11 states with a statewide tenure policy, there was a range of 2 to 7 years in the number of consecutive years of employment needed to become eligible for tenure; (3) all 11 states with a statewide policy indicated that tenured faculty could be dismissed "for cause," e.g., immorality, misconduct in office, and incompetency; (4) in 17 states, local boards were employed to establish a tenure policy for their college; (5) 19 of the 31 states that did not have a statutory tenure policy indicated that customary or traditional tenure was practiced; and (6) 11 states reported that contractual tenure was permitted in collective bargaining contracts. The survey instrument is appended. (LAL)

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A STUDY OF THE STATUS OF TENURE IN THE NATION'S PUBLIC TWO-YEAR COLLEGES

by

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JC 840 556

A STUDY OF THE STATUS OF TENURE IN THE NATION'S PUBLIC TWO-YEAR COLLEGES

Introduction

A recent survey of the literature on tenure in the two-year colleges in the nation revealed the fact that there was virtually an absence of studies on the topic. A search request processed by the staff at the ERIC Clearinghouse for Junior Colleges at U.C.L.A. produced fewer than a dozen items directly related to the topic, most of which had publication dates in the 1970s. Almost all of those items were reports dealing with a single institution; only three discussed the topic from the perspective of an entire state. No report of a national-level study could be found. This identified lack of information prompted the study which is reported in this document.

The Study

The purpose of the study was to secure data from which to assess the current status of tenure in the public two-year colleges in the nation. To secure such data, the researcher developed and mailed a brief survey instrument to the state administrators of two-year colleges in each of the fifty states. The names and addresses of this population of respondents were secured from a listing contained in the 1983 Community, Technical, and Junior College Directory published by the American Association of Community and Junior Colleges, Washington,

D.C. (pages 79-81). The survey instruments were mailed and returned during the months of June and July, 1984. A sample of the survey instrument is contained in Appendix A.

The major thrust of the survey was to determine initially whether or not statutory tenure was provided in each state for public two-year college faculty members. If an affirmative answer was secured, a series of questions followed. If a negative response was secured, a different series of questions ensued. These two sets of questions elicited data about such items as (a) the number of years of consecutive employment needed for becoming eligible for tenure, (b) reasons for the dismissal of tenured faculty members, (c) whether or not a local board was empowered to establish a tenure policy for its college, (d) whether or not customary or traditional tenure was practiced in the absence of statutory tenure, and (e) whether or not collective bargaining was allowed and, if so, whether or not contractual tenure was permitted in the collective bargaining contract.

Results of the Study

Return Rate. A survey instrument was mailed to each of the fifty states. There were returns received from 43 states representing an 86 per cent return rate. The seven states from which responses were not received were Idaho, Kansas, Louisiana, Montana, Nebraska, Ohio, and Tennessee. According to the data found on page 79 of the Community, Technical, and Junior College Directory, 1984 published by the American Association of Community and Junior Colleges, those seven states collectively account for only 115 of the 1054 public two-year colleges in the nation. The results of the survey from the 43 states which

responded, therefore, are descriptive of the current status of tenure in most of the nation's public two-year colleges.

States with Tenure Policies. Only seven states reported that statutory tenure was provided. Those states were Alabama, California, Florida, Illinois, Kentucky, New Jersey, and Washington. There were four additional states which reported that the state boards which governed two-year colleges made provision for state-wide tenure policies. Those four states were Connecticut, Nevada, North Dakota, and Utah. Thus, of the 43 states which reported, only 11, or 25.5 per cent, had a form of state-wide tenure for public two-year college faculty members.

Among the eleven states with some form of state-wide tenure policy, a considerable variation was reported in the number of consecutive years of employment needed by a faculty member before becoming eligible for tenure. These data show a range of 2 to 7 years with a mean of 4.5 years. Two years were required by one state; three years were required by four states; five years were required by two states; six years were required by two states; and seven years were required by two states.

Respondents to the survey instrument were asked to list legal reasons for the dismissal of tenured faculty members. The one reason which was listed by respondents from all eleven states with state-wide tenure policies was ,"for cause." A listing of causes from those respondents included immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, conviction

of any crime involving moral turpitude, participation in any unlawful act of violence, participation in any unlawful act resulting in destruction of community college property, participation in any unlawful interference with the orderly conduct of the educational process, physical or mental disability making the faculty member unable to perform assigned duties, reduction or discontinuation of an existing program, and financial exigency.

States without Tenure Policies. Of the 43 states responding to the survey, 32, or 74.5 per cent, reported having no state-wide tenure policy. One state -- South Dakota -- indicated that there were no public two-year colleges in the state and did not provide additional responses.

When asked if local boards were empowered to establish a tenure policy for faculty in that college, the respondents from the remaining 31 states reported as follows: in 17 states local boards were so empowered; in 3 states there were no local boards, but state boards were so empowered; and in 11 states no such power was vested in the local boards.

Respondents were asked if, in the absence of statutory tenure, either customary or traditional tenure was practiced among the public two-year colleges in their states. Nineteen of the 31 states responded affirmatively; 12 responded negatively.

Respondents were asked if contractual tenure was permitted in collective bargaining contracts in public two-year colleges. Eleven states responded affirmatively, five states responded

negatively, and fifteen states indicated that collective bargaining was not permitted.

Conclusions

The survey provided data on the current status of tenure in the public two-year college which cause one to realize that tenure is not a major factor in the lives of public two-year college faculty members. Only 11 states of the 43 reporting had a system of state-wide tenure in place. Of the remaining 32 states, one had no public two-year colleges; 20 allowed local boards to provide a tenure policy, but only 19 of them practiced traditional or customary tenure; and 11 states prohibited any type of tenure policies.

Only 11 of the 32 states without statutory tenure provisions allowed contractual tenure in collective bargaining contracts, leaving 20 states with no possibility for tenure through collective bargaining.

The Community, Technical, and Junior College Directory, 1984 (p.79) reports that during the fall semester of 1983, there were 242,582 faculty members in the nation's public two-year colleges. Of that number, 137,514, or 56.3 per cent, were part-time and, therefore, ineligible for tenure. This fact combined with the data revealed in the survey described in this report make it apparent that public two-year college faculty members are not served well by the concept of tenure.

APPENDIX A

Survey Instrument

STATE: _____

TENURE IN THE TWO-YEAR COLLEGE

DOES YOUR STATE HAVE STATUTORY TENURE FOR PUBLIC, TWO-YEAR COLLEGE FACULTY MEMBERS?

_____YES* _____NO**

*IF YES, PLEASE RESPOND TO THESE ITEMS:

1. How many consecutive years must a faculty member be employed in a college before receiving tenure?

   _____years.

2. For what reasons may a tenured faculty member be dismissed?

   ___for just cause; ___for financial exigency; ___for moral turpitude;

   ___for program discontinuation; ___other (please list)_____

**IF NO, PLEASE RESPOND TO THESE ITEMS:

1. Is a local community college board empowered to establish a tenure policy for faculty in that college?

   ___yes; ___no.

2. In the absence of statutory tenure, is traditional or customary tenure practiced among the two-year colleges in your state?

   ___yes; ___no.

3. Is contractual tenure permitted in collective bargaining contracts in two-year colleges?

   ___yes; ___no; ___no collective bargaining in the state

THANK YOU FOR YOUR CONTRIBUTION TO THIS STUDY

Please return this form in the enclosed envelope to:

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